

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

XPO LOGISTICS FREIGHT, INC.

and

Case 13-CA-197878

TEAMSTERS LOCAL 179

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-1-XKLGGF is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations.² Further, the Employer has failed to establish any other legal basis for revoking the subpoena.³ See generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel. Member Emanuel took no part in the consideration of this case.

² In considering the petition to revoke, we construe the reference in subpoena paragraphs 7 and 8 to "each employee" as referring to "employee" as defined in the National Labor Relations Act. Further, we have evaluated the subpoena in light of the Region's clarification that paragraph 16 pertains only to employees at the Employer's Aurora, Illinois facility. (Opp. at 12.)

³ To the extent that the Employer has provided some of the requested material, it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously-provided documents constitute all of the requested documents, and provides all of the information that was subpoenaed.

In addition, the Employer's request for a protective order is denied for lack of a showing of good cause. With respect to the Employer's stated concerns about confidentiality, we note that it has failed to follow the procedures set forth in paragraph "k" of the subpoena's Definitions and Instructions which addresses such concerns. To the extent the subpoena encompasses some documents that the Employer believes in good faith to be protected from disclosure, the Employer may submit a privilege log providing sufficient detail to permit an assessment of its claims. If its confidentiality concerns can be substantiated, it may seek a confidentiality agreement from the Region.

Dated, Washington, D.C., March 26, 2018.

MARVIN E. KAPLAN,	CHAIRMAN
MARK GASTON PEARCE,	MEMBER
LAUREN McFERRAN,	MEMBER